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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 v.  
13 DAVID JONATHAN VARGAS,  
14 Defendant.  
15

Case No. 2:17-cr-00306-JCM-VCF

**STIPULATION TO CONTINUE**  
**SENTENCING HEARING**  
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between David L. Jaffe, Chief,  
17 Organized Crime and Gang Section, United States Department of Justice, and Chad McHenry,  
18 Trial Attorney, counsel for the United States of America, and Rene L. Valladares, Federal  
19 Public Defender, and Brian Pugh, Assistant Federal Public Defender, counsel for David  
20 Jonathan Vargas, that the Sentencing Hearing currently scheduled on August 18, 2021, be  
21 vacated and continued to a date and time convenient to the Court, but no sooner than sixty (60)  
22 days.

23 This Stipulation is entered into for the following reasons:

24 1. On July 8, 2021, the Ninth Circuit Court of Appeals asked the Federal Public  
25 Defender for the District of Nevada (FPD) to provide an attorney to assist in United States v.  
26 Babichenko, et. al., District of Idaho case number CR18-258-BLW. The Babichenko trial was

1 suspended in the middle of its third week to seek additional counsel to assist with the defense  
2 of one of nine co-defendants. The trial is predicted to last approximately two months. The FPD  
3 asked the undersigned to travel to Idaho and assist with the defense for the remainder of the  
4 trial. Therefore, counsel will be unable to assist Mr. Vargas with his defense.

5 2. The defendant is not in custody and agrees with the need for the continuance.

6 3. The parties agree to the continuance.

7 This is the third request for a continuance of the sentencing hearing.

8 DATED this 15<sup>th</sup> day of July 2021.

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10 RENE L. VALLADARES  
Federal Public Defender

DAVID L. JAFFE  
Chief, Organized Crime and Gang Section  
United States Department of Justice

11  
12 */s/ Brian Pugh*  
13 By \_\_\_\_\_  
14 BRIAN PUGH  
Assistant Federal Public Defender

*/s/ Chad McHenry*  
By \_\_\_\_\_  
CHAD MCHENRY  
Trial Attorney,  
United States Department of Justice

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

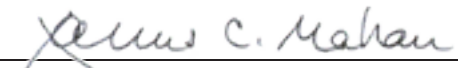
3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 v.  
6 DAVID JONATHAN VARGAS,  
7 Defendant.  
8

Case No. 2:17-cr-00306-JCM-VCF

**ORDER**

9  
10 IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for  
11 August 18, 2021 at 10:00 a.m., be vacated and continued to October 20, 2021 at the hour  
12 of 10:00 a.m.

13 DATED July 20, 2021.

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16 UNITED STATES DISTRICT JUDGE  
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